

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

DEC 11 2012

Brenda Lerma, Individually, As Next Friend of J.L. and  
D.L., and As Representative of the Estate of Luis  
Lerma; For and On Behalf of All Those Entitled to  
~~Decedent for His Death Under the Texas Wrongful Death  
Plaintiff~~

David J. Bradley, Clerk of Court

Briggs & Stratton Corporation, and Briggs & Stratton  
Power Products Group, LLC

Civil Action No.

**B - 12 - 229**

*Defendant*

)

SUMMONS IN A CIVIL ACTION

Briggs & Stratton Corporation

To: *(Defendant's name and address)* By and through its agent for service  
CT Corporation System  
350 N. St. Paul  
Ste. 2900  
Dallas, Texas 75201-4234

A lawsuit has been filed against you.

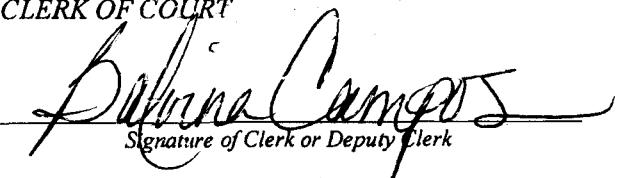
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Stuart R. White  
Sico, White, Hoelscher & Braugh, LLP  
802 N. Carancahua, Suite 900  
Corpus Christi, Texas 78401  
(361) 653-3300 Telephone  
(361) 653-3333 Facsimile

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 11-20-12

  
Signature of Clerk or Deputy Clerk

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Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE    ORIGINAL RETURN  
(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))**

This summons for (*name of individual and title, if any*) \_\_\_\_\_  
was received by me on (*date*) \_\_\_\_\_.

- I personally served the summons on the individual at (*place*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or
- I left the summons at the individual's residence or usual place of abode with (*name*) \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on (*date*) \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- I served the summons on (*name of individual*) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (*name of organization*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or
- I returned the summons unexecuted because \_\_\_\_\_; or
- Other (*specify*): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_ *Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**AFFIDAVIT OF SERVICE****UNITED STATES DISTRICT COURT  
Southern District of Texas**

Case Number: B-12-229

Plaintiff:

**BRENDA LERMA, INDIVIDUALLY, AS NEXT FRIEND OF J.L. AND D.L. AND AS REPRESENTATIVE OF THE ESTATE OF LUIS LERMA, FOR AND ON BEHALF OF ALL THOSE ENTITLED TO RECOVER FOR THIS DEATH UNDER THE TEXAS WRONGFUL DEATH AND SURVIVAL ACTS**



Brenda Lerma

vs.

Defendant:

**BRIGGS & STRATTON CORPORATION AND BRIGGS & STRATTON POWER PRODUCTS GROUP LLC**

For:

Stuart R. White  
Sico White Hoelscher & Braugh  
802 N. Carancahua Suite 900  
Frost Bank Plaza  
Corpus Christi, TX 78470

Received by Allen Civil Process on the 28th day of November, 2012 at 4:51 pm to be served on **Briggs & Stratton Corporation Registered Agent: CT CORPORATION SYSTEM, 350 N. St. Paul Suite 2900, Dallas, TX 75201**.

I, Carlos Barrera, being duly sworn, depose and say that on the **29th day of November, 2012 at 9:45 am**, I:

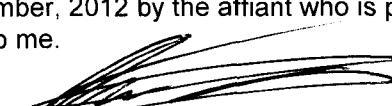
Delivered to: **Briggs & Stratton Corporation Registered Agent: CT CORPORATION SYSTEM**, accepted by **Marie Garcia, Authorized To Accept**, a true copy of the **Summons and Complaint**, with the date and hour of delivery endorsed thereon, at the address of **350 North St. Paul Street, Suite 2900, Dallas, Texas 75201** and informed said person of the contents therein, in compliance with state statutes.

**Description of Person Served:** Age: 30s, Sex: f, Race/Skin Color: hispanic, Height: 5'8, Weight: 160, Hair: black, Glasses: n

I certify that I am over the age of 18, not a party to, nor have any interest in the outcome of the above numbered suit. I am certified under order of the Supreme Court of Texas to deliver citations and other notices.

On this day personally appeared affiant, known to me personally to be the person whose name is subscribed to the foregoing return and being by me duly sworn, declare under oath that the statements therein are true and correct.

Subscribed and Sworn to before me on the 29th day of November, 2012 by the affiant who is personally known to me.



  
**Carlos Barrera**  
 TX Cert:SCH5305 Exp:6/30/15

**Allen Civil Process**  
**P.O. Box 181293**  
**Corpus Christi, TX 78480**  
**(361) 884-1657**

Our Job Serial Number: ALN-2012008030  
 Ref: Brenda Lerma  
 Service Fee: \_\_\_\_\_

